IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6707 of 1996

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SARJAN VIDYAMANDIR

Versus

STATE OF GUJARAT

Appearance:

MR AMIT M PANCHAL for Petitioner No. 1-2

MR RM DESAI for Respondent No. 1,3-4

MRS MANISHABEN L. SHAH for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1-4

MR VIJAY H PATEL for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/12/2004

ORAL JUDGEMENT

1. The petitioner has challenged the order dated 9th August 1996 whereby the registration of the petitioner was cancelled.

2. Initially notice was issued and ad interim relief was granted by staying the order dated 9th August 1996. Thereafter the matter has been admitted on 16.12.1996 and ad interim relief was confirmed.

3. Heard the learned counsel for the respective parties and perused the relevant record. From the record it appears that the main reason for cancellation was not depositing a sum of Rs.2 lacs in spite of several reminders. There is no dispute that the petitioners are bound to deposit the said amount.

4. In the petition itself, in para 6, the petitioners have stated that the petitioners are ready and willing to deposit Rs.2 lakh as reflected in the letter dated 9th August 1996. In that view of the matter I am of the opinion that the interest of justice would be met if the following order is passed:

> "The petitioners shall deposit, if not already deposited, a sum of Rs.2 lacs along with interest at the rate of 9% per annum within a period of one month from today. If such amount is deposited, the order dated 9th August 1996 will not be operated against the petitioners. It is clarified that if the amount is not deposited as directed hereinabove, the order dated 9th August 1996 shall stand confirmed."

5. Rule is made absolute to the aforesaid extent with no order as to costs. D.S. permitted.

[K.S. JHAVERI, J.]

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